

REMARKS

Claims 1-33 are pending in this application. By this Amendment, 1, 4, 6, 14 and 22 are amended. Claims 1, 6 and 14 and 22 are amended to include the subject matter of claim 4, and claim 4 is amended to cancel this feature. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Allowable Subject Matter

Applicants appreciate the Office Action's indication that claims 4, 9-13, 17-21 and 23-33 include allowable subject matter.

II. Reissue Declaration

The Office Action asserts that the Declaration filed with the application is defective; and rejects claims 1-33 based upon a defective Reissue Declaration. Applicants thank the Examiner for suggesting language to correct the Declaration and overcome this rejection. Applicants will respectfully submit a corrected Declaration incorporating the suggested language in a Supplemental Response. Withdrawal of the rejection is thus respectfully requested.

III. The Claims Define Patentable Subject Matter

A. §102(b) Rejection of Claims 1, 5-8 and 22

The Office Action rejects claims 1, 5-8 and 22 under 35 U.S.C. §102(b) over U.S. Patent No. 5,553,560 to Tajima. This rejection is respectfully traversed.

Tajima does not teach or suggest every feature recited in independent claims 1, 6 and 22. In particular, Tajima does not teach or suggest a headgear holder for use with a sewing machine "wherein said each fastening device includes a support member, and wherein a space is provided between said support member and an outer surface of the main frame member, the sweatband unfolded outside being inserted into said space and thereby externally fit on the main frame member," as recited in independent claim 1, and as similarly recited in independent claims 6 and 22. That is, Tajima does not disclose the claimed support member.

On the contrary, Tajima merely discloses a set of teeth 156 that are formed on a side of the inserting slot to engage the sweat prevention member 46A2 at a position adjacent to the opening so as to press it on the retainer member 140 as shown in Fig. 28 (see Tajima at col. 13, lines 37-47). The teeth 156 are attached to the pressing member 150, which does not correspond to the alleged fastening device. Thus, Tajima does not disclose claimed fastening device that includes a support member.

Further, the device of Tajima does not include a space between a support member that is included with the fastening device and an outer surface of the main frame member, as recited in independent claims 1, 6 and 22. Thus, Tajima does not disclose the claimed headgear holder.

Thus, for at least these reasons, independent claims 1, 6 and 22 are patentable over Tajima. Further, claim 5, which depends from claim 1, and claims 7 and 8, which depend from claim 6, are patentable over Tajima for at least the reasons discussed above with respect

to claims 1 and 6, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

B. §102(b) Rejection of Claim 14

The Office Action rejects claim 14 under 35 U.S.C. §102(b) over U.S. Patent No. 4,998,964 to Golia. This rejection is respectfully traversed.

Golia does not teach or suggest every feature recited in independent claim 14. In particular, Golia does not teach or suggest a headgear holder for use with a sewing machine "wherein said each fastening device includes a support member, and wherein a space is provided between said support member and an outer surface of the main frame member, the sweatband unfolded outside being inserted into said space and thereby externally fit on the main frame member," as recited in independent claim 14. That is, Golia does not disclose the claimed support member.

Golia only discloses clamp elements 84 that have flanges 86 and apertures 87 to clamp the workpiece 40, i.e., the entire cap, to the frame elements with the bill of the cap projecting upwardly, as shown in Fig. 3 (see Golia at col. 3, line 56 - col. 4, line 23). Further, there is no space between the flanges and apertures and an outer surface of the main frame of Golia for the insertion of the unfolded sweatband. Thus, Golia does not disclose the claimed headgear holder.

Thus, for at least these reasons, claim 14 is patentable over Golia. Withdrawal of the rejection is thus respectfully requested.

C. §103 (a) Rejection of Claims 2, 3, 15 and 16

The Office Action rejects claims 2, 3, 15 and 16 under 35 U.S.C. §103(a) over Tajima in view of Golia. This rejection is respectfully traversed.

Claims 2, 3, 15 and 16 would not have been rendered obvious by Tajima in view of Golia. Golia does not remedy the deficiencies of Tajima discussed with respect to claim 1.

Further, Tajima does not remedy the deficiencies of Golia discussed with respect to claim 14. Claims 2 and 3 depend from claim 1, and claims 15 and 16 depend from claim 14. Thus, claims 2, 3, 15 and 16 are patentable over Tajima and Golia for at least the reasons discussed above with respect to claims 1 and 14, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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